

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Bryan A. Lauer

FOR : **DECISION TREE LOGIC FOR
DETERMINING THE OPTIMAL VALUE
FOR QoS UPLINK AND DOWNLINK
MAXIMUM BITRATE ATTRIBUTES**

SERIAL NO. : 10/695,086

FILED : October 28, 2003

EXAMINER : Alia

ART UNIT : 2416

CONFIRMATION NO. : 4158

ATTORNEY DOCKET NO. : LUTZ 200242
Case Name/No. Lauer 2

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Examiner indicated that claims 1-24 and 26-29 are allowed over the prior art. This recognition of allowable subject matter is acknowledged and appreciated.

However, while the applicant agrees that the claims are allowable, the applicant does not concede that the claims are only allowable for the precise reasons stated by the Examiner.

Furthermore, the applicant does not concede that the Examiner's statements are entirely accurate and precise.

It is noted that the Examiner's Amendment that was mailed with the Notice of Allowance includes a reference to Mr. Thomas Tillander, one of the representatives of the Applicant. In that reference, Mr. Tillander's registration number is mis-identified. Mr. Tillander's registration number is 47,334.

| Certificate of Mailing or Transmission | |
|---|--------------------------------------|
| I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being <input type="checkbox"/> deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stop None, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below. <input checked="" type="checkbox"/> transmitted to the USPTO by electronic transmission via EFS-Web on the date indicated below. | |
| Express Mail Label No.: | Signature: <i>Mary Ann Temesvari</i> |
| Date: <i>April 7, 2009</i> | Name: Mary Ann Temesvari |

Respectfully submitted,

Fay Sharpe LLP

April 7, 2009
 Date

Joseph D. Dreher
 Joseph D. Dreher, Reg. No. 37,123
 Thomas Tillander, Reg. No. 47,334
 The Halle Building, 5th Floor
 1228 Euclid Avenue
 Cleveland, OH 44115
 Phone: (216)363-9000
 Fax: (216)363-9001